

**WALDO COUNTY COMMISSIONERS COURT SESSION  
SEPTEMBER 9, 2008**

**PRESENT:** Commissioners John M. Hyk (Chairman), Donald P. Berry, Sr. and Amy R. Fowler. Also present were Treasurer David Parkman, Deputy Treasurer Karen Trussell and County Clerk Barbara Arseneau.

**FINANCIAL REPORT:**

Present for this report were Treasurer David Parkman and Deputy Treasurer Karen Trussell.

**APPROPRIATIONS:**

J. Hyk commented that the Advertising Personnel line is not looking too good, nor is the Professional Services, as they were both considerably overdrawn.

D. Parkman stated that other than overdrafts in the Commissioners' Budget, the rest of the overall budget looked good at 63% percent expended, as the budget could be 72% expended at this point in the year. D. Parkman asked if there were to be unexpended funds in the Jail budget, would it be retained as County money or would the County be expected to give it to the State. K. Trussell explained that there might be a "fight with the State" over this. J. Hyk stated that the County Commissioners would not be handing this money back to the State. This 2008 figure was based on the 2007 over-expenditure on the Inmate Board line. If there was anything left over from 2008, the Commissioners did not intend to give that to the State.

**REVENUE:**

Deeds Interest is the only thing that is "lagging."

**SELF-FUNDED HEALTH INSURANCE ACCOUNT:**

D. Parkman thanked the Commissioners for looking into questions he had regarding the self-funded health insurance UBS Banking, but he still had some concerns. J. Hyk said that he felt that this was being handled very much like the Maine County Commissioners Association Risk Pool funds. D. Parkman reported that none of the research and work the Auditor did on this was being charged to the County. The Commissioners expressed appreciation for this. J. Hyk said that it was his understanding that all accounts in this bank were FDIC insured.

D. Berry read from the most recent UBS Statement. The net amount invested to date is \$327,501.63. The dividend and interest income is \$907.32. Change in value of outside assets and accruals is \$648.80. Change in market value is \$47.25. At this time, the value of the account is \$329,105.00 at this time.

Total estimated annual income is \$11,081.00. This statement details every check written, and all funding activities.

**RESERVE ACCOUNTS:**

D. Parkman read various expenditures from the Reserve Accounts. He then presented the warrants.

**WARRANTS:**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the August 29, 2008 Regular Warrant in the amount of \$457,472.13. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the August 29, 2008 Capital & Restricted Warrant in the amount of \$4,906.18. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the September 9, 2008 Restricted Reserve Warrant in the amount of \$7,620.86. Unanimous.**

**\*\*D. Berry moved, A. Fowler seconded authorizing payment of the September 9, 2008 Regular Warrant in the amount of \$56,936.83. Unanimous.**

#### **COMMUNICATIONS DIRECTOR'S REPORT:**

Present for this report was Communications Director Owen Smith, who reported the following:

1. Cory Morse of Belfast is willing, and has been unanimously accepted by the WCRCC Board of Directors, to fill the EMS slot left vacant by the resignation of William Zito of Mid Coast EMS.

**\*\*A. Fowler moved, D. Berry seconded ratifying Cory Morse to fill the EMS slot on the WCRCC Board of Directors. Unanimous.**

2. PART TIME HOURLY RATE: O. Smith informed the County Commissioners that the part-time hourly rate of \$11.74 for Waldo County Dispatchers is no longer a competitive rate. He noted that Somerset County no longer uses part-time dispatchers. Lincoln County pays a standard part-time rate of \$10.00 to entry-level dispatchers, but once certified, pays \$12.50 per hour. Penobscot County pays non-certified part-time dispatchers \$12.00 per hour and pays \$14.00, once certified. Sagadahoc County pays \$13.68 per hour. Knox County pays \$9.00 standard part-time rate and, once certified, \$13.83 per hour. O. Smith informed the County Commissioners that one Waldo County dispatcher is contemplating working for another agency that pays more. He felt it was time to request an increase in pay for Waldo County's part-time dispatchers and recommended that, once certified, part-time dispatchers should receive the same pay as a starting full-time dispatcher, which currently is \$13.35 per hour. Until fully certified, the standard 2009 part-time rate, whatever the Commissioners would decide that would be, would be what the part-time dispatcher would receive. O. Smith recommended that once a dispatcher became certified, the current starting rate for full-time dispatcher along with any COLA that was applied to it in 2009, would be the certified part-time dispatcher rate of pay.

**\*\*D. Berry moved, A. Fowler seconded that once certification is successfully completed by a part-time dispatcher, the part-time dispatcher will received the same pay as the full-time dispatcher starting rate, whatever that will be in 2009. Unanimous.**

3. O. Smith requested adjustment on the Communications Supervisor's rate by increasing it .75 cents per hour, beyond the cost-of-living increase for 2009. This position serves as "second in command" in the absence of the Communications Director. He submitted a memo reminding the County Commissioners that about three years previously, the shift supervisor pay was shifted with a "stipend" over and above the line dispatcher. At that time, it put a shift supervisor's rate above that of the Communications Supervisor. Since this is an illogical and inequitable situation, O. Smith wished to rectify the discrepancy as recommended with .75 cents added to the 2009 COLA increase for that position. The Commissioners did not know if this was a union position or not and were unsure if they could address it at this time. O. Smith explained that it is a non-union position. The Commissioners agreed with this increase and told the Communications Director to present this on his budget request this way.

4. O. Smith stated that he had received a memo indicating that non-union employees will be paying 5% of their health insurance premium. He stated that, as one of those employees, he would be “screaming loud and hard about which health insurance company the County uses.” The Commissioners asked why. O. Smith stated that Meritain has “not earned a gold star” in his opinion because of the issues with how long it takes to get invoices paid to health care providers. There was a brief discussion about Waldo County General Hospital’s refusal to participate in Meritain’s networks and that this was the main reason for the out-of-network problems. J. Hyk asked O. Smith if he was getting the same health care he had been before, and was told yes. J. Hyk asked if O. Smith was paying any more than he was before. O. Smith replied that he was not. J. Hyk responded, “Well, there you have it.” The Commissioners explained that they would not be changing health insurance companies and would not be requesting bid proposals now that the County is self-funding the health insurance program. There was discussion of the likelihood that Waldo County General would soon be under the umbrella of Maine Medical and that this would encompass the networks Meritain currently uses. There was brief discussion of how long the County would continue honoring out-of-network expenses. The Commissioners said they would have to see if most of these would be absorbed under the Maine Medical umbrella. The Commissioners explained that with Meritain and the program the County has implemented, money that used to be spent by AETNA is now being maintained by the County and that the Commissioners intended to establish wellness programs, among other things.
5. O. Smith brought up the issue of smoking at the Communications Center. He explained that a recent Safety/Department Head Association meeting, it had been suggested to make all County Buildings and property smoke-free campuses. The Commissioners said they would consider this and give it some thought.

## **CORRESPONDENCE**

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau who reviewed the following:

1. Kim Corley vs. Swanville Tax Abatement Case (Petition #337), continued: B. Arseneau informed Commissioners Hyk and Berry that more letters have been received from K. Corley detailing her efforts to find resolution to the Town’s refusal to adhere to the Commissioners’ abatement decree. Commissioner Fowler explained that Ms. Corley and she had spoken directly several times, as well. Ms. Corley had also come into the office and left a handwritten note for the County Commissioners, which Temporary Deputy County Clerk Karen Clark had retyped and emailed to A. Fowler. As requested by the Commissioners during the August 26, 2008 Court Session, K. Corley’s files have been sent to the Attorney General’s Office and Senators Weston and Collins’ offices, along with the other two Swanville issues submitted by Swanville citizens Wesley Bucklin and David Staples. B. Arseneau has had several conversations with District Attorney Geoffrey Rushlau, at the request of Commissioner Fowler after a conversation A. Fowler had with Commissioner Peter Baldacci, who stated that the County’s District Attorney could issue a warrant of mandamus to the Town. G. Rushlau had stated that he did not believe he had this authority and had left voicemail messages for Commissioner Baldacci to find out why he made this recommendation. At this point, Commissioner Baldacci had not returned the D.A.’s telephone calls. A. Fowler said she did not know who could enforce the tax abatement decrees, but would continue to pursue this until she had an answer.

2. Waldo County Regional Communications Center Board of Directors member Joseph Brooks submitted his resignation to the County Commissioners due to new employment during daytime hours making it impossible for him to continue to serve on the Board. The Commissioners accepted his resignation with regret and Commissioner Hyk stated that he would actively look to fill this vacancy from his commissioner district.

3. The Sheriff has recommended the promotion of Deputy Merl Reed to Detective, effective September 21, 2008 at the rate of \$18.79 per hour.

**\*\*A. Fowler moved, D. Berry seconded promoting Deputy Merl Reed to Detective at \$18.79 per hour effective September 21, 2008. Unanimous.**

4. 2009 BUDGET COMMITTEE BALLOTS: B. Arseneau read the tallies of the ballots received by 14 of the 26 municipalities for members of the 2009 Waldo County Budget Committee as follows:
  - **District 3: Tim Biggs received eight (8) votes.**
  - **District 2: Richard Crossman, Bill Sneed and Richard Desmarais each received six votes.**
  - **There were no write-ins.**

Therefore, the 2009 Waldo County Budget Committee will remain as it was in 2008 with the following members:

Roger Lee, Richard McLaughlin and Nakomis Nelson for District 1  
Richard Crossman, Richard Desmarais and Bill Sneed for District 2  
James Bennett, Timothy Biggs and Harry Dean Potter for District 3

This was duly noted by the County Commissioners.

#### **SHERIFF'S REPORT:**

Present for this report was Sheriff Scott Story, who reported the following:

1. Recently there have been a few occasions in which Waldo County deputies have become involved in law enforcement assistance across county lines. He referenced the statutory provision of M.R.S.A. Title 30-A, Chapter 1, Subsection 405 which reads,

***"1-A Optional powers. The county commissioners may authorize a county's sheriff and certified full-time deputy sheriffs who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest."***

If the County Commissioners were willing to authorize this request to permit the Sheriff and certain deputies to perform law enforcement functions as necessary while outside the jurisdiction of which they are appointed, the Sheriff would implement it in the Sheriff's Policy. J. Hyk asked under whose authority this deputy would function and expressed concern that an attorney should look at this. D. Berry and A. Fowler did not think this was necessary, as they felt the statutes were sufficiently clear.

**\*\*D. Berry moved, A. Fowler seconded allowing the Sheriff and his deputies to perform acts described in Title 17-A, section 15 while outside the jurisdiction in which they are appointed as detailed in M.R.S.A. 30-A, § 405 Optional powers. Unanimous.**

2. J. Hyk informed S. Story that the Commissioners have decided that they will not be sending the State any money that was appropriated to pay the 2007 inmate board. S. Story said that this board money was not included in that \$2.8 million that is allocated from now on. It is not in the UAR (Uniform Account Report form.) The \$912,000.00 is exactly what was budgeted in 2008, and does not include the \$200,000.00 overdraft from 2007. S. Story said that there is some ambiguity in legislative language as to whether any County Jail money leftover in 2008 goes to the State. He believed that any savings achieved by the County through its own means remains with the County and may only be used for Jail/Corrections purposes. S. Story recommended that any County savings be put in a Capital Reserve for the Jail. There was brief discussion about separating the Jail/Sheriff Reserve now that the Jail has to be segregated from the rest of the County's budget. It was S. Story's understanding that any savings achieved by programs established by the State will go back to the Board of Corrections, as the legislation was crafted that way. He commented that the language just has not been stated as clearly as it might have been and added that there is talk of going back in and cleaning that language up, and the Counties should make sure that the State does not try to obtain savings earned by the Counties.
3. S. Story is looking into a fuel management company called Fuel Express. Each officer would receive a gas card that works anywhere. An authorization code and vehicle number would have to be entered to use the card. There is a minimal fee and the company will process State and Federal gas tax. The "down-side" is that when the County does the tax returns, those funds will no longer go to the County. K. Trussell estimated those to be approximately \$4,000.00 annually. If they use it in-house, it will show that the Sheriff is using less gas funding. S. Story commented that other counties using the Fuel Express card "swear by it." If there is a contract, he will make sure the Commissioners see it.
4. A. Fowler asked how the County canine is doing. S. Story responded that female canine "Neva" is doing extremely well. She is a drug-locating dog and is "constantly finding drugs."

## **COMMISSIONERS MISCELLANEOUS BUSINESS**

There was brief discussion of Commissioners Hyk and Fowler campaigning for Commissioner terms 2009 through 2012.

## **EXECUTIVE SESSION**

**\*\*A. Fowler moved, D. Berry seconded entering Executive Session at 10:22 a.m. for Legal/Personnel Matters according to M.R.S.A. Title 1 § 405 D and F. Unanimous.**

**\*\*A. Fowler moved, D. Berry seconded exiting Executive Session at 10:57 a.m. Unanimous.**

## **2009 COST OF LIVING INCREASE:**

**\*\*A. Fowler moved, D. Berry seconded setting the COLA for non-union employees at 3% for 2009. Unanimous.**

The Commissioners instructed the County Clerk to send out that information to the Department Heads along with a reminder NOT to include the union employees in that figure. Pay scales would follow as soon as they are prepared by the H.R./Payroll Director.

The next Commissioners Court Session will be October 14, 2008, unless there are developments that require an additional court session in September.

**\*\*A. Fowler moved, D. Berry seconded adjourning the meeting at 11:10 a.m. Unanimous.**

Respectfully submitted by Barbara L. Arseneau  
Waldo County Clerk